Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-3 and 5-10 are pending in the application, with claims 1, 3, and 8 being the independent claims. Claim 4 was previously cancelled without prejudice to or disclaimer of the subject matter therein. Claims 1-3 and 7-8 are amended herein. New claims 9 and 10 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Interview Summary

Applicants thank Examiner Obeid for the courtesies extended to Applicants' representative, John. T. Haran, during the telephonic interview of October 20, 2009. The rejections of record were discussed, but no agreement was reached. The amendments to the claims made herein were also discussed. The comments discussed regarding how the amended claims distinguish the claimed invention from the art of record is incorporated throughout the following remarks.

Description of the Invention

The present invention is directed to a method and system for managing the viewing of media content, for example video and/or audio (*e.g.*, a movie), recorded on an information recording medium, for example a DVD, by a prescribed reproduction

device, for example a DVD player. The DVD also has a password management table recorded thereon that lists a series of random numbers and associates an acquisition code and a password to each random number. The acquisition code and password are utilized in an authentication process to permit viewing of the media content. The authentication process is performed <u>locally by the DVD player</u>.

When the user places the DVD into the DVD player, the DVD player randomly picks a number and presents the acquisition code associated with the random number on the password management table to the user. The user then submits the acquisition code to a server computer, which in turn sends the user a password based on the acquisition code. The user then inputs the password to the DVD player and the DVD player performs an authentication process to ensure the password entered is the password associated with the acquisition code on the password management table. Once the password is authenticated <u>locally by the DVD player</u>, the <u>media content</u> of the DVD may be viewed.

Rejections under 35 U.S.C. § 101 and § 112

Claim 8 is rejected under 35 U.S.C. § 101 and § 112, second paragraph. As noted in the Advisory Action mailed May 27, 2009, the amendment to claim 8 filed on May 18, 2009 overcame these rejections. The Amendment and Reply filed on May 18, 2009 is hereby entered by the filing of the accompanying RCE. Accordingly, Applicants respectfully request that these rejections of claim 8 under 35 U.S.C. § 101 and § 112, second paragraph be withdrawn.

Rejections under 35 U.S.C. § 103

Claims 1-3 and 5-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable

over U.S. Patent No. 6,799,277 to Colvin ("the Colvin patent") in view of U.S. Patent

No. 6,631,359 to Braitberg *et al.* ("the Braitberg patent") and further in view of U.S.

Patent No. 5,581,547 to Umeda *et al.* ("the Umeda patent"). Applicants respectfully

traverse these rejections as the Examiner has failed to establish a *prima facie* case of

obviousness.

Independent Claims 1, 3, and 8

Independent claim 1, as amended herein, is directed to a viewing management

method for managing the viewing of <u>media content</u> recorded on an information recording

medium readable with a prescribed reproduction device, wherein:

> said <u>prescribed reproduction device presenting</u> an acquisition code
> prerecorded on said information recording medium to a viewer desiring to
> view a viewing management target media content;
> said <u>prescribed reproduction device receiving a password</u> acquired
> by the viewer from a server computer based on the acquisition code; and
> said <u>prescribed reproduction device starting reproduction</u> of said
> viewing management target media content <u>via an authentication process</u>
> <u>based on the password</u>. (Emphasis added)

Independent claim 3, as amended herein, is directed to a viewing management

method for managing the viewing of <u>media content</u> recorded on an information recording

medium readable with a prescribed reproduction device, wherein:

> said prescribed reproduction device starting to read said
> information recording medium;

said <u>prescribed reproduction device presenting</u> a prescribed acquisition code to a viewer, and urging the viewer to input a prescribed password;

a prescribed server computer accessed by an information terminal device of said viewer urging the viewer to input the prescribed acquisition code;

said prescribed server computer presenting a password corresponding to said prescribed acquisition code to said viewer upon receiving said prescribed acquisition code from the information terminal device of said viewer;

said <u>prescribed reproduction device performing</u>, upon receiving a prescribed password from said viewer, <u>authentication based on the prescribed password</u>; and

said prescribed reproduction device starting reproduction of the media content recorded on said information recording medium when it judges that the prescribed password is valid as a result of said authentication. (Emphasis added)

Independent claim 8, as amended herein, is directed to a system for reading an

information recording medium with a prescribed reproduction device including:

a prescribed reproduction device; and

an information recording medium having recorded thereon a viewing management target <u>media content</u>, a prescribed password management table and prescribed control information,

wherein in said prescribed password management table, a prescribed password is associated with a prescribed acquisition code, and

wherein said prescribed control information contains a control program for said <u>prescribed reproduction device to be capable of performing a plurality of functions</u>, the functions comprising:

said <u>prescribed reproduction device presenting</u> a prescribed acquisition code corresponding to a random number generated according to a prescribed random function to said viewer and urging said viewer to input a prescribed password associated with said presented prescribed acquisition code in said prescribed password management table,

said prescribed <u>reproduction device performing authentication</u> of said input prescribed password when said viewer inputs said prescribed password, and

said prescribed reproduction device reproducing said viewing management target media content according to the result of said authentication. (Emphasis added).

As can be seen from the claim language cited above, each of independent claims 1, 3, and 8 is directed to a method or system for viewing media content recorded on an information recording medium using a prescribed reproduction device, wherein in order to view the media content, the prescribed reproduction device performs an authentication process prior to reproducing the media content. The authentication process uses a password obtained from a server computer based on an acquisition code recorded on the information recording medium. None of the Colvin patent, the Braitberg patent or the Umeda patent, either alone or in combination, disclose or render obvious the invention claimed in independent claims 1, 3, and 8.

The Colvin patent is directed to a system and method for monitoring software wherein, in order to download software onto a computer, the software must be registered with a remote authorized software representative (ASR). During the registration process, the ASR authenticates the user with the use of an activation key at a remote location away from the user's computer. See Fig. 1a and col. 7, lines 15-45. Thus, the Colvin patent discloses controlling the downloading of software, rather than a method or system for controlling viewing of media content by a prescribed reproduction device, as claimed. Further, the Colvin patent discloses a remote representative performing an authentication process rather than the prescribed reproduction device performing the authentication process, as claimed. As discussed below, the Braitberg and Umeda patents fail to cure the deficiencies of the Colvin patent.

The Braitberg patent discloses a data recording medium with viewable information recorded thereon. License information in the form of a key is also recorded on the medium. In order to view the information on the medium a validation process

occurs wherein a player reads the key to determine if the appropriate license has been obtained so access may be granted. If the appropriate license has not been obtained, the user can purchase a license and have the appropriate key written onto the medium so it will pass the next validation attempt. See col. 10, line 43 to col. 11, line 17. While the Braitberg patent appears to perform a validation process to allow access to the content of the medium with a player, there is no disclosure that the player performs, or is capable of performing, a validation process that includes sending an acquisition code recorded on the medium to a server computer to receive a password that is then inputted to the player and compared on a password management table to see if it corresponds to the acquisition code, as claimed. Accordingly, one of ordinary skill in the art would have readily appreciated that replacing the authentication process disclosed in the Colvin patent with the validation process disclosed in the Braitberg patent would not result in the invention of claims 1, 3, and 8. Thus, the Braitberg patent fails to cure the deficiencies of the Colvin patent.

The Umeda patent fails to cure the deficiencies of a combination of the Colvin and Braitberg patents as it is not directed to a process or system of controlling viewing media content recorded on an information recording medium with a prescribed reproduction device wherein the prescribed reproduction devices performs, or is capable or performing, an authentication process. Accordingly, a *prima facie* case of obviousness has not been established.

In addition, the Examiner is respectfully reminded that under the standard outlined in *KSR International Co. v. Teleflex Inc.*, the Supreme Court reiterated that an obviousness rejection cannot be sustained based on conclusory statements by the

examiner. *KSR*, 550 U.S. 398, 82 USPQ2d 1385, 1396 (2007). The examiner must identify and articulate a reason why a person of ordinary skill in the art, at the time the invention was made, would combine the known prior art elements in the manner in which the invention is claimed. *Id.* The question of obviousness then turns on whether the combination of elements is "more than the predictable use of prior art elements according to their established functions." *Id.* See also MPEP § 2143.02.

The Examiner previously combined the Colvin, Braitberg, and Umeda patents in the final rejection mailed February 18, 2009 citing two rationales, as discussed on page 7 of the final rejection, for relying of the disclosure of generating random numbers in the Umeda patent. The first rationale was to decrease the probability of multiple users using the same acquisition code to thereby increase efficiency. The second rationale was to prevent the legal consumer from distributing the acquisition code to illegal consumers and hence prevent content piracy and generate more revenues for content providers and distributors. Neither of these rationales are sufficient to establish a *prima facie* case of obviousness because the Colvin patent already has a system in place to prevent reuse of the same acquisition code, and thereby prevent content piracy.

The Colvin patent has a system and method in place wherein in order to install software on a computer an activation key must be presented. The activation key is used to register the user and obtain a license. During the registration process the system checks to see if the activation key has already been used and, if so, the user is notified of potential piracy and asked to contact an authorized software representative. If the activation key has not been used, the license is granted by giving a password. See Fig. 1a and col. 7, lines 15-45. Therefore, the system and method disclosed in the Colvin

patent already prevents multiple users from using the same activation key and avoids the problem of legal users distributing the activation key to illegal users. Accordingly, one of ordinary skill in the art at the time the invention was made would have had no rationale or reason to modify the Colvin patent to prevent multiple users from using the same activation key because the Colvin patent already discloses a system and method for preventing such.

While the Umeda patent appears to generally disclose it is known to generate random numbers and have a table of information associated with each randomly generated number, this is not a sufficient reason or rationale for one ordinary skill in the art to unnecessarily complicate the system and method of the Colvin patent by adding an unnecessary additional layer for preventing multiple users from using the same activation key. Further, one of ordinary skill in the art would not have looked to the Umeda patent when considering ways to modify the Colvin patent because the Umeda patent is directed to an entirely different purpose. The Colvin patent is directed to preventing unlicensed use of software, whereas the Umeda patent is directed to preventing overlapping of transmission signals in a cellular system.

For at least the above noted reasons, independent claims 1, 3, and 8, as well as dependent claims 2, 5, 6, 7, 9, and 10, are allowable. Accordingly Applicants respectfully request that these rejections of the claims be withdrawn and the claims allowed.

Dependent Claims 9 and 10

Dependent claims 9 and 10, depend from independent claims 3 and 8, respectively. In addition to be allowable as depending from allowable independent claims as discussed above, dependent claims 9 and 10 contain additional allowable subject matter for the reasons discussed below.

Claims 9 and 10 recite a server computer (or prescribed server computer) that comprises a viewing management database containing a table corresponding to said password management table, said table associating said acquisition code with said password, a title of said media content, a period during which said media content is available, and a fee for viewing said media content. The Colvin, Braitberg, and Umeda patents, either alone or in combination, fail to disclose or render obvious a server computer with the claimed viewing management database. For at least the above reason, dependent claims 9 and 10 contain allowable subject matter.
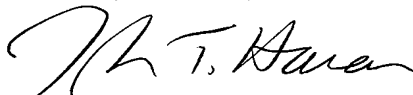
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Atty. Dkt. No. 1089.0560000/MAC/JHH

Prompt and favorable consideration of this Amendment and Reply is respectfully

requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

John T. Haran
Attorney for Applicant
Registration No. 58,010

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1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
1050136_1.DOC